

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of Closed Captioning and Video)
Description of Video Programming)
Implementation of Section 305 of the)
Telecommunications Act of 1996)
Video Programming Accessibility)

MM Docket No. 95-176

COMMENTS OF THE ROMAN CATHOLIC DIOCESE
OF ROCKVILLE CENTRE

The Roman Catholic Diocese of Rockville Centre d/b/a Telicare (referred to herein as "Telicare"), by its attorney, hereby submits its comments in response to the *Notice of Proposed Rulemaking* ("NPRM") issued in the above-captioned proceeding.¹

Telicare is the television and radio programming entity for the Diocese of Rockville Centre, providing educational programming for ITFS channels serving 44 schools with approximately 18,000 students in various communities on Long Island, New York.² In addition, Telicare offers daily educational and religious programming on a public access channel (hereinafter referred to as "Channel 25") carried by various Long Island cable systems operated by Cablevision Systems Corporation. Telicare therefore has a substantial interest in the Commission's implementation of the closed captioning provisions of the Telecommunications

¹FCC 97-4 (rel. January 17, 1997).

²The ITFS stations licensed to the Diocese are KNZ-67, Syosset; KNZ-68, Central Islip; KNZ-65, Central Islip; and WHR-848, Amityville.

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Act of 1996 (the "1996 Act"), particularly as it relates to ITFS programming, cable public access channels and fundraising.

Telicare supports the proposal of The Wireless Cable Association International, Inc. ("WCA") to (1) exclude ITFS licensees from the Commission's definition of "video programming provider" and (2) include a blanket exemption for ITFS programming that is transmitted into subscriber homes by wireless cable operators. For the reasons set forth in WCA's initial comments on the *NPRM*, such an exemption is appropriate given the nature of ITFS technology, the minimum educational programming requirements in the Commission's ITFS rules, the limited financial capabilities of ITFS licensees, the local as opposed to national distribution of ITFS programming and the critical role that wireless cable operators play in supporting the ITFS service generally.

The nature of Telicare's ITFS operation demonstrates why a blanket closed captioning exemption is appropriate for ITFS programming. Telicare's ITFS programming is distributed to exclusively to local schools for classroom use; it is not available to the general public. Funds for Telicare's ITFS programming are provided by the schools themselves (\$3.00 per student) and by the Diocese; because Telicare is a religious organization, it is not entitled to any public funding. All of Telicare's ITFS programming consists of noncaptioned, prerecorded material provided by educational production agencies.³ To the best of Telicare's knowledge, none of its schools have expressed a need for captioned programming.

³A sample schedule of Telicare's ITFS programming is attached hereto as Exhibit 1.

According to estimates provided in the Commission's recent *Report to Congress* on closed captioning, it costs a minimum of \$1200 to caption one hour of prerecorded programming.⁴ Applying this figure to an entire day of ITFS programming (6.5 hours), Telicare estimates that it would cost \$7800 per day just to caption a *single channel* of ITFS programming. Applying this figure to the entire school year (late September through early June), Telicare further estimates that it would cost over \$1,000,000 to caption a single channel of ITFS programming for an entire school year.

Congress authorized the Commission to establish categorical exemptions from its closed captioning rules for locally distributed programming where captioning would impose an economic burden on the program provider or owner.⁵ This is the case with respect to Telicare's ITFS programming, since the Commission's closed captioning rules would otherwise require Telicare to assume a crippling financial burden to provide closed captions that are not needed by Telicare's member schools. Clearly, the question of whether to caption ITFS programming is best handled on a case-by-case basis by local entities like Telicare who are best positioned to understand the specific requirements of their students. Moreover, in the absence of a blanket exemption, Telicare and many other ITFS licensees will be required to file literally thousands of requests for individual program exemptions, thereby straining the already limited resources

⁴*In the Matter of Closed Captioning and Video Description of Video Programming*, MM Docket No. 95-176, FCC 96-318 at ¶ 47 (rel. July 29, 1996). The \$1200 consists of \$800 to caption the programming "off-line" and \$400 (\$200 each half-hour) to encode the captions onto the program tape.

⁵See H.R. Rep. 104-204, 104th Cong., 1st Sess. at 114 (1995).

of the ITFS community and the Commission. Telicare thus submits that the intent of Congress and the needs of ITFS licensees will be best served by the adoption of a closed captioning exemption for ITFS programming that is transmitted into subscriber homes by wireless cable subscribers.

For similar reasons, Telicare supports the adoption of a blanket closed captioning exemption for non-profit local, educational or religious programming carried on PEG access channels. Typically, Telicare provides approximately 85 hours of daily programming (excluding Saturdays) on Channel 25 when it is not occupied by PEG access users.⁶ Telicare's Channel 25 programming consists largely of Ecumenical religious programs and programs covering the needs and interests of Long Island communities. Approximately 20% of Telicare's Channel 25 operation is funded by the Diocese; the remainder is funded through private donations, fund-raising, and underwriting. Again, because it is a religious organization, Telicare is not entitled to receive any public funds.

Virtually all of Telicare's Channel 25 programming is supplied via prerecorded tapes or satellite feeds. Many of the prerecorded tapes are "bicycled" from other religious programmers in the United States. Telicare itself produces 35 weekly original half-hour series, each with 39 prerecorded episodes. Assuming a minimum cost of \$600 to caption a half hour of prescribed programming, it would cost Telicare a minimum of \$819,000 per year to caption its self-produced weekly series programming. These costs do not include any additional costs associated

⁶Telicare's most recent programming schedule for Channel 25 is attached hereto as Exhibit 2.

with captioning any program material Telicare receives from other sources. Telicare therefore is similarly situated with other users of PEG access channels, in that the total costs of captioning Telicare's Channel 25 programming far exceeds Telicare's limited financial resources. Accordingly, Telicare submits that its Channel 25 programming should be encompassed by the proposed "public access" exemption from the Commission's closed captioning rules.

Finally, Telicare requests that the Commission apply its proposed exemption for fundraising both to noncommercial broadcasters and non-profit entities like Telicare who use cable channels to conduct fundraising drives.⁷ Each year Telicare holds its fundraising telethon on Channel 25 for 17 hours over a period of two days. On occasion, Telicare has also made its studios available for telethons to support charities which serve hungry or needy citizens. For purposes of the Commission's closed captioning rules, fundraising telethons share the same fundamental characteristics and thus should be entitled to closed captioning exemption

⁷*NPRM* at ¶ 81.

regardless of whether they are transmitted via an off-air broadcast signal or via a cable channel such as Channel 25.

Respectfully submitted,

**THE ROMAN CATHOLIC DIOCESE
OF ROCKVILLE CENTRE**

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EXHIBIT 1

DAILY PROGRAM LISTING

MONDAY

<u>TIME</u>	<u>CHANNEL</u>	<u>PROGRAM</u>
8:15	3/7	The Power Of Algebra
8:15	10	Safety Scouts 9/23-10/28, 1/6-2/10, 4/28-6/16
		Discovering Pets 11/4-12/30, 2/24-4/21
8:30	10	Fast, Forward, Future 10/23-10/7, 11/25-12/9, 2/3-2/24, 4/21-5/5
		Right Turns Only 10/14-11/18, 12/16-1/27, 3/3-4/14, 5/12-6/16
8:35	3/7	The Write Channel
8:55	10	Cursive Handwriting
8:55	3/7	Davey And Goliath
9:15	10	Journey To Understanding
9:15	3/7	Math Patrol II
9:30	3/7	Storylords
9:35	10	Straight At Ya 9/23-10/7, 11/25-12/9, 2/3-2/24, 4/21-4/28
		Straight Up 10/14-11/18, 12/16-1/27, 3/3-4/14, 5/12-6/16
9:50	3/7	Science Alliance
9:55	10	Stories of America
10:10	3/7	Math Patrol III
10:15	10	Different and the Same
10:30	3/7	Mrs. Cabobble's Caboose
10:35	10	Mathica's Mathshop I
10:55	3/7	The Clyde Frog Show
10:55	10	Old Testament
11:15	3/7	Teleketics
11:20	10	Song Bag
11:40	10	Truly American
11:45	3/7	Saints Alive
12:05	3/7	Math Talk
12:15	10	All Fit
12:25	3/7	Fat Albert and the Cosby Kids
12:35	10	Best We Can Be 9/23-10/28, 12/9-1/20, 3/10-4/21, 6/2-6/16
		Let Us Pray 11/4-12/2, 1/27-3/3, 4/28-5/26
12:45	3/7	Well, Well, Well
1:00	10	Grammar Mechanic
1:05	3/7	Science Screen Report
1:20	10	Living Bible
1:25	3/7	Global Geography
1:45	3/7	Mexico and South America Today
1:45	10	Mathica's Mathshop II

TUESDAY

<u>TIME</u>	<u>CHANNEL</u>	<u>PROGRAM</u>
8:15	3/7	Different and the Same
8:20	10	Math Works
8:35	3/7	Discovering
8:40	10	Journey to Understanding
8:55	3/7	What's In The News 9/23-6/2
9:00	10	Davey and Goliath
9:15	3/7	Mathica's Mathshop II
9:20	10	Read Alee Deed Alee
9:30	3/7	Math Patrol III
9:40	10	Well, Well, Well
9:50	3/7	Grammar Mechanic
10:00	10	Fat Albert and the Cosby Kids
10:10	3/7	Truly American
10:20	10	Math Patrol II
10:35	3/7	Straight At Ya 9/23-10/7, 11/25-12/9, 2/3-2/24 4/21-5/5 Straight Up 10/14-11/18, 12/16-1/27, 3/3-4/14, 5/12-6/16
10:45	10	Your Choice...Our Chance
10:55	3/7	Solve It
11:00	10	Gather 'Round
11:15	3/7	Storylords
11:20	10	Mexico and South America Today
11:35	3/7	Math Talk
11:45	10	The Power of Algebra
11:55	3/7	Draw Along
12:00	10	Saints Alive
12:15	3/7	Stories Of America
12:20	10	Living Bible
12:35	3/7	Science Alliance
12:45	10	This Is The Life
12:55	3/7	Dragons, Wagons & Wax
1:15	3/7	The Clyde Frog Show
1:20	10	Safety Scouts 9/23-10/28, 1/6-2/10, 4/28-6/16 Discovering Pets 11/4-12/30, 2/24-4/21
1:35	3/7	Global Geography
1:40	10	Song Bag
1:55	3/7	Best We Can Be 9/23-10/28, 12/9-1/20, 3/10-4/21, 6/2-6/16 Let Us Pray 11/4-12/2, 1/27-3/3, 4/28-5/26
2:00	10	Mrs. Cabobble's Caboose
2:15	3/7	Mathica's Mathshop
2:25	10	All Fit
2:35	3/7	Cursive Handwriting

2:05	10	U.S. Constitution 9/23-10/28, 11/25-1/6, 2/3-3/17, 4/21-5/26 Christopher Teen Magazine 11/4-11/18, 1/13-1/27, 3/24-4/14, 6/2-6/16
2:15	3/7	Read Alee Deed Alee
2:30	3/7	Gather Round

WEDNESDAY

<u>TIME</u>	<u>CHANNEL</u>	<u>PROGRAM</u>
8:15	3/7	Fast, Forward, Future 9/23-10/7, 11/25-12/9, 2/3-2/24, 4/21-5/5 Right Turns Only 10/14-11/18, 12/16-1/27, 3/3-4/14, 5/12- 6/16
8:15	10	Science Screen Report
8:35	10	Math Works
8:40	3/7	All Fit
8:55	10	Your Choice...Our Chance
9:00	3/7	Living Bible
9:15	10	Zoo Notes
9:25	3/7	Read Alee Deed Alee
9:30	10	Safety Scouts 9/23-10/28, 1/6-2/10, 4/28-6/16 Discovering Pets 11/4-12/30, 2/24-4/21
9:45	3/7	Song Bag
9:50	10	What's In The News 9/23-6/2
10:05	3/7	Science Alliance
10:10	10	The Write Channel
10:25	3/7	Stories Of America
10:30	10	Saints Alive
10:45	3/7	Grammar Mechanic
10:50	10	Mexico and South America Today
11:05	3/7	Journey To Understanding
11:15	10	Math Patrol III
11:25	3/7	This Is The Life
11:35	10	Discovering
11:55	10	Cursive Handwriting
12:00	3/7	Well, Well, Well
12:20	3/7	Straight At Ya 9/23-10/7, 11/25-12/9, 2/3-2/24, 4/21-5/5 Straight Up 10/14-11/18, 12/16-1/27, 3/3-4/14 5/12-6/16
12:25	10	Solve It
12:40	3/7	Different and the Same
12:40	10	Mathica's Mathshop II
1:00	3/7	Storylords
1:00	10	Davey And Goliath
1:20	10	The Power Of Algebra

1:20	3/7	Teleketics
1:40	10	Old Testament
1:55	3/7	Draw Along
2:05	10	Dragons, Wagons, & Wax
2:15	3/7	Best We Can Be 9/23-10/28, 12/9-1/20, 3/10-4/21, 6/2-6/16
		Let Us Pray 11/4-12/2, 1/27-3/3, 4/28-5/26
2:25	10	The Clyde Frog Show

THURSDAY

<u>TIME</u>	<u>CHANNEL</u>	<u>PROGRAM</u>
8:15	3/7	Dragons, Wagons & Wax
8:15	10	Song Bag
8:35	3/7	Different and the Same
8:35	10	Truly American
8:55	3/7	Math Patrol II
9:00	10	Global Geography
9:15	3/7	Mathica's Workshop
9:20	10	Stories Of America
9:35	3/7	Draw Along
9:40	10	The Power Of Algebra
9:50	3/7	Solve It
10:00	10	What's In The News 9/23-6/2
10:10	3/7	Math Works
10:20	10	Living Bible
10:30	3/7	Journey To Understanding
10:45	10	Storylords
10:50	3/7	Discovering
11:00	10	Mexico and South America Today
11:05	3/7	The Write Channel
11:25	10	Straight At Ya 9/23-10/7, 11/25-12/9, 2/3-2/24 4/21-5/5
		Straight Up 10/14-11/18, 12/16-1/27, 3/3-4/14, 5/12-6/16
11:30	3/7	Best We Can Be 9/23-10/28, 12/9-1/20, 3/10-4/21
		Let Us Pray 11/4-12/2, 1/27-3/3, 4/28-5/26
11:50	10	Your Choice...Our Chance
11:50	3/7	Math Patrol III
12:10	10	Gather 'Round
12:10	3/7	Grammar Mechanic
12:25	3/7	Mathica's Mathshop II
12:30	10	Davey and Goliath
12:45	3/7	Math Talk
12:50	10	Zoo Notes
1:05	10	Mrs. Cabobble's Caboose
1:05	3/7	Science Alliance
1:25	10	Well, Well, Well
1:25	3/7	Saints Alive
1:45	3/7	Cursive Handwriting
1:50	10	Read Alee Deed Alee
2:05	3/7	Science Screen Report
2:10	10	Fat Albert and the Cosby Kids
2:25	3/7	The Clyde Frog Show
2:30	10	Safety Scouts 9/23-10/28, 1/6-2/10, 4/28-6/16 Discovering Pets 11/4-12/30, 2/24-4/21

FRIDAY

<u>Time</u>	<u>Channel</u>	<u>Program</u>
8:15	10	Math Patrol II
8:15	3/7	Grammar Mechanic
8:30	10	Straight At Ya 9/23-10/7, 11/25-12/9, 2/3-2/24 4/21-5/5 Straight Up 10/14-11/18, 12/16-1/27, 3/3-4/14, 5/12-6/16
8:35	3/7	Safety Scouts 9/23-10/28, 1/6-2/10, 4/28-6/16 Discovering Pets 11/4-12/30, 2/24-4/21
8:50	10	Saints Alive
8:55	3/7	U.S. Constitution 9/23-10/28, 11/25-1/6, 2/3-3/17, 4/21-5/26 Christopher Teen Magazine 11/4-11/18, 1/13-1/2, 3/24-4/14, 6/2-6/16
9:05	10	Math Talk
9:25	10	Dragons, Wagons, and Wax
9:30	3/7	Mrs. Cabobble's Caboose
9:45	10	The Write Channel
9:50	3/7	Discovering
10:05	10	Math Works
10:10	3/7	Best We Can Be 9/23-10/28, 12/9-1/20, 3/10-4/21, 6/2-6/16 Let Us Pray 11/4-12/2, 1/27-3/3, 4/28-5/26
10:25	10	The Power of Algebra
10:30	3/7	Mathica's Mathshop II
10:45	10	The Clyde Frog Show
10:50	3/7	Global Geography
11:05	10	Read Alee Deed Alee
11:10	3/7	This Is The Life
11:25	10	Well, Well, Well
11:40	10	Teleketics
11:45	3/7	Storylords
12:05	3/7	Zoo Notes
12:05	10	Mexico and South America Today
12:20	3/7	Old Testament
12:35	10	Your Choice...Our Chance
12:40	3/7	Journey To Understanding
12:50	10	Solve It
1:00	3/7	Fat Albert & The Cosby Kids
1:05	10	All Fit
1:15	3/7	Davey And Goliath
1:25	10	What's In The News 9/23-6/2
1:35	3/7	Gather 'Round
1:45	10	Draw Along
1:55	3/7	Song Bag
2:05	10	Mathica's Mathshop I
2:15	3/7	Truly American
2:25	10	Different and the Same

EXHIBIT 2

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
7:30 AM	The Rosary	The Rosary	The Rosary	The Rosary	The Rosary	The Rosary	The Rosary
8:00 AM	Sunday Mass	Daily Mass	Daily Mass	Daily Mass	Daily Mass	Daily Mass	Daily Mass
8:30 AM	Our Lady	Our Lady of Angels	Our Lady of Angels	Our Lady of Angels	Our Lady of Angels	Our Lady of Angels	Our Lady of Angels
9:00 AM	of Angels	God Squad	Teaching of Christ	Today's Life Choices	Let's Talk	Granny Faith	Character Builder Storybk
9:30 AM	Character Builder Storybook	Health & Home Report	Telicare Specials	On Main Street	Today's Health	Christopher Close-up	Stories of Faith
10:00 AM	Stories of Faith (children)	Close-up - Bishop McGann	Visitation House	InFORMATION	Teaching of Christ	Telicare Specials	Saints and Heroes
10:30 AM	In the Beginning (children)	Focus-Abp. Hannon	Alternative Medicine	Greek Orthodox Telecom.	The Way Home		In the Beginning
11:00 AM	Gerbert (children)	The Word!	Faith 20	Family Times	Lifestyle Magazine	Hashing It Out	Gerbert
11:30 AM	The Rosary	Life Lessons	Life Lessons	Life Lessons	Life Lessons	Life Lessons	The Rosary
12:00 PM	Focus on Truth	Daily Mass - St Agnes	Daily Mass - St Agnes	Daily Mass - St Agnes	Daily Mass - St Agnes	Daily Mass - St Agnes	Daily Mass
12:30 PM	Jewish Entertainment	Fr. Bob Lauder	Family Talk	Catholic Forum	What Catholics Believe	Point of View	Our Lady of Angels
1:00 PM	National Jewish Television	Gospel of Holy Spirit	Say Yes!	Visionaries/Myrtics	Voyage of Faith	EWTN Showcase	EWTN Special
1:30 PM		Catholic Challenge	John Paul II	Family Covenant	Defending Life		
2:00 PM		Many Faces of Mary	The Abundant Life	EWTN Presents	Our Father's Plan	God's Merciful Love	Teresa of Avila
2:30 PM		Glory of Papacy				Union with God	Get a Life in Christ
3:00 PM		In the Groove	Today's Health	Inspiration Please!	Visitation House	In the Groove	Mercy Chaplet
3:30 PM		Fr. Tom (Faith)	Fr. Tom (Religious)	Fr. Tom (Generic)	Fr. Tom (Topical)	Fr. Tom (Family)	The Rosary
4:00 PM	Bi-Lingual Mass San Antonio, TX	Born Free	Family Theatre	The Campbells	Peacable King dom	Primetime Playhouse	Pillars of Faith
4:30 PM			Ramona	Brooklyn Bridge			
5:00 PM	Catholic Forum	Christopher Close-up	Center Street	Scriptures Alive	Illuminations	Nuestra Familia	Image of God
5:30 PM	Sunday Mass	30 Good Minutes	Family Times	Perspectives	Midpoint	Today's Life Choices	EWTN Presents
6:00 PM	Life is Worth Living	Granny Faith	In the Groove	The God Squad	Granny Faith	Choices we Face	
6:30 PM	Focus - Archbishop Hannon	Christopher Close-up	Today's Life Choices	Catholic Forum	St. Anne's Novena	Focus on Truth	Proverbs: A Blueprint
7:00 PM	Telicare Specials	On Long Island	On Long Island	On Long Island-Parish	On Long Island	On Long Island	Daily Mass
7:15 PM		LI News Tonight	LI News Tonight	LI News Tonight	LI News Tonight	LI News Tonight	
7:30 PM		Today's Health	Inspiration Please!	Visitation House	Teaching of Christ	St. Anne's Novena	
8:00 PM	God Squad	Fr. Tom (Religious)	Fr. Tom (Generic)	Fr. Tom (Topical)	Fr. Tom (Family)	Fr. Tom (Faith)	Mother Angelica
8:30 PM	Close-up - Bishop McGann	Catholic Forum	InFORMATION	Today's Life Choices	Point of View	Focus - Archbishop Hannon	(encore)
9:00 PM	Fr. Tom & Friends	Today's Life Choices	Let's Talk	Mother Angelica	Life is Worth Living	Mother Angelica	Defending Life
9:30 PM	Desde El Sur	Telicare Specials	Desde El Sur		InFORMATION		The Rosary
10:00 PM	Inspiration Please!	Peacable Kingdom	The Unbroken Circle	Palmerstown	Nature of Things	EWTN Special	Our Father's Plan
10:30 PM	Quiet Triumphs						
11:00 PM	Family Enrichment	Testify	In Touch	Heroes of the Heart	Crisis Points	Closer Walk	Joy of Music
11:30 PM						Food for Life	Go into Whole World
12:00 PM	Hope for Today	Our House	Our House	Our House	Our House	Daily Mass OLA	Daily Mass OLA

Telicare 1996 Fall Broadcast Schedule